

24. (New) The communications device of claim 21 wherein the source of illumination is a light emitting diode.

25. (New) The communications device of claim 23 wherein the power source is a battery comprising nickel, lithium, silver, mercury, magnesium, lead, zinc, manganese, combinations thereof, or oxides thereof.

Q3 26. (New) The communications device of claim 24 wherein the device is a cordless telephone.

27. (New) The communications device of claim 25 wherein the device is a cellular telephone.

28. (New) The communications device of claim 21 wherein the flashlight is capable of generating from 0.1 to 30 lumens.

Applicants respectfully request consideration of claims 1-28 in view of the foregoing amendments and the following remarks.

#### Remarks

Applicants respectfully request an extension of time for responding to the Office Action. Filed herewith is a Request for Extension of Time Pursuant to 37 CFR 1.136a.

Claims 1-28 are currently pending in the application, claims 19-28 having been added in this amendment. Claims 1-18 stand rejected under 35 USC §§102(e) or 103(a). Applicants' comments on the rejections are set forth in the following paragraphs.

#### The Present Invention

The present invention, as set forth in claims 1-28, is directed to a communications device that comprises a source of illumination such that the device can operate as a flashlight. The claimed device includes a power source and allows the user to have the functions of a communication device and a flashlight in one mobile unit.

Applicants have amended present claims 1 and 8 to more particularly point out that the source of illumination illuminates an area surrounding the device with sufficient candlepower to enable a user to view the area. These amendments are supported throughout Applicants' specification, *e.g.* at page 1, lines 3-4, 20, and at page 3, lines 6-7.

In the following paragraphs Applicants provide additional reasons why the present claims are patentable over the cited references.

Claims 1, 4, 6, 8, and 11 -- 35 USC §102(e)

The Examiner has rejected claims 1, 4, 6, 8, and 11 under 35 U.S.C. § 102(e) as allegedly being anticipated by Korycan, U.S. Patent No. 5,950,139. Applicants respectfully traverse the rejection.

Claims 1 and 8 have been amended for purposes of specificity to recite a source of illumination that can "illuminate an area surrounding the device with sufficient candlepower to enable a user to view the area." Claims 4, 6, and 11 are subordinate to the amended claims 1 and 8.

In contrast, Korycan discloses only a device with a luminous signal quality indicator. This luminous signal quality indicator functions solely to indicate signal quality strength and does not emit illumination in the area surrounding the user. Korycan does not disclose a device capable of illuminating the user's surroundings. Further, Korycan does not disclose a power source and a source of illumination in one unit as is disclosed in Applicants' claim 8.

For the reasons discussed above, Korycan does not anticipate Applicants' invention. Accordingly, Applicants respectfully assert that the rejection was in error, or is now moot, and must be withdrawn.

Claims 1-3, 5, 7-10, 13, 15, 17 and 18 -- 35 USC § 103

The Examiner has rejected claims 1-3, 5, 7-10, 13, 15, 17, and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kan, U.S. Patent No. 5,297,247. Applicants respectfully traverse the rejection.

Claims 1 and 8 have been amended for purposes of specificity to recite that the source of illumination projects a beam of light through the lens that can "illuminate an area surrounding the device with sufficient candlepower to enable a user to view the area." Claims 2, 3, 5, 7, 9, 10, 13, 15, 17 and 18 are subordinate to the amended claims 1 and 8.

Kan discloses a portable radio pager with a lighting device to provide background lighting for an LCD. This lighting device is solely for the purpose of illuminating the LCD (col. 6, lines 17-23).

As in the Korycan patent, Kan fails to disclose either a communications device or a power source comprising of a source of illumination capable of illuminating the user's surroundings. Further Kan does not in any way teach or suggest this aspect of Applicants' claimed invention.

#### New claims 19 and 20

Claims 19 and 20 has been added to specify a device as described in claims 1 and 8 wherein the source of illumination is capable of generating from 0.1-30 lumens. The new claims 19 and 20 are supported in Applicant's specification, *e.g.* page 4, line 2.

#### New Claims 21-28

Claims 21-28 have been added to provide coverage for additional aspects of the present invention. Support for claim 21 is found in Applicant's specification, *e.g.* page 2, line 17. Support for the allowable base claims 22-28 can also be found in Applicant's specifications.


Conclusion

All alleged bases for rejection have been properly traversed or rendered moot in view of the foregoing amendment and remarks. Accordingly, Applicants respectfully request that all outstanding rejections be withdrawn, and that the application be allowed. Early notice to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 336.607.7315 to discuss any matter relating to the application.

Respectfully submitted,

Date: 9/13/00

By:   
Charles W. Calkins  
Reg. No. 31,814

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, North Carolina 27101  
(336) 607-7300

WINLIB01:824315.01